

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**HAZEL M. ROBY, as Administratrix of §
the Estate of RONALD TYRONE §
ROBY, Deceased, §**

Plaintiff, §

v. §

BENTON EXPRESS, INC., et al., §

Defendants. §

**CIVIL ACTION NO.
2:05cv494-B**

**PLAINTIFF'S MOTION TO STRIKE/QUASH AND
MOTION TO COMPEL DEPOSITION OF EXPERTS OR,
IN THE ALTERNATIVE, EXTEND THE DISCOVERY CUTOFF
FOR DEFENDANT'S EXPERT TESTIMONY ONLY**

COMES NOW the Plaintiff in the above-styled matter and hereby requests that this Court enter an Order striking/quashing Defendant's Notices of Depositions scheduled for December 15, 2005, in Tallahassee, Florida. Plaintiff is filing this emergency motion because the discovery deadline is December 16, 2005. Defendant has not provided the Plaintiff with any dates to depose its experts, let alone dates within the discovery cutoff period. Nevertheless, Defendant is scheduling depositions that could have been taken earlier. For the following reasons, this Court should quash the depositions of the two Florida Highway Patrol Officers that are presently scheduled for December 15, 2005, in Tallahassee, Florida, and compel the defendant to make its experts available for depositions by December 16, 2005, or exclude the Defendant's experts from testifying in matter:

1. The discovery cutoff is December 16, 2005.

2. Noteworthy that the Benton petitioned the Court to prevent the Plaintiff from conducting additional written discovery.

3. Defendant Benton did not take any depositions until September 23, 2005. Now, within the last two weeks, Defendant has attempted to set numerous depositions. Two eyewitness depositions were taken yesterday, Wednesday, December 13, 2005. These last minute depositions could have been scheduled earlier. Plaintiff, out of a spirit of cooperation, canceled other matters and had others cover other matters so that the deposition noticed by Defendant could go forward.


4. Plaintiff in this case has provided Defendant with several dates that it could depose Defendant's experts. (See Exhibit A). Benton has stated unequivocally that it will not make its experts available before the discovery cutoff. (See Affidavit of LaBarron N. Boone attached hereto as Exhibit B).

5. Nevertheless, Defendant has scheduled depositions in Tallahassee, Florida, on December 15, 2005, which were noticed on December 12, 2005. Defendant has no problems in its mad dash to conduct the discovery by scheduling depositions that it desires, but Benton has refused to provide Plaintiff with any dates for the depositions of its experts. (See Exhibit B, Affidavit of LaBarron N. Boone).

6. Defendant Benton's expert, Bob Tynes, made time to appear at the deposition of Plaintiff's expert, Roland Brown, taken in the office of Plaintiff's counsel on December 6, 2005, but Defendant will not make Mr. Tynes available to be deposed prior to the discovery cutoff of December 16. (See Exhibit C).

7. This Court should also note that the Plaintiff has to respond to Defendant's motion for summary judgment by December 16, 2005, during this hectic period.

Accordingly, Plaintiff respectfully requests that this Court quash the depositions of Angie Daniels and David Tripp, the Florida Highway Patrol Officers, scheduled for December 15, 2005. Plaintiff also requests that this Court either exclude Defendant's identified experts that were not made available prior to the discovery cutoff or require Defendant to bring its experts to the office of counsel for Plaintiff in Montgomery on consecutive dates on to December 20, 21, 22, 28, and 29.


LABARRON N. BOONE
Attorney for Plaintiff

OF COUNSEL:

BEASLEY, ALLEN, CROW, METHVIN,
PORTIS & MILES, P.C.
218 Commerce Street
Post Office Box 4160
Montgomery, Alabama 36103-4160
(334) 269-2343 (Telephone)
(334) 954-7555 (Facsimile)

CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system that will send notification of such filing to the following on this the 14 day of December 2005.


OF COUNSEL

Gregory A. Brockwell
Brett A. Ross
Carr, Allison, Pugh, Howard, Oliver & Sisson, P.C.
100 Vestavia Parkway, Suite 200
Birmingham, Alabama 35216

**Exhibit A to Plaintiff's Motion to Strike/Quash and
Motion to Compel Depositions of Experts or, in the
Alternative, Extend the Discovery Cutoff for
Defendant's Expert Testimony Only**

**Correspondence and emails relating
to scheduling depositions**

Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.

JERE LOCKE BEASLEY
J. GREG ALLEN
MICHAEL J. CROW
THOMAS J. METHVIN
J. COLE PORTIS
W. DANIEL MILES, III
R. GRAHAM ESDALE, JR.
JULIA ANNE BEASLEY
RHON E. JONES
LABARRON N. BOONE
ANDY D. BIRCHFIELD, JR.
RICHARD D. MORRISON
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J. P. SAWYER
C. LANCE GOULD

JOSEPH H. AUGHTMAN
DANA G. TAUNTON
J. MARK ENGLEHART
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DAVID B. BYRNE, III
TED G. MEADOWS
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FRANK WOODSON
KENDALL C. DUNSON
J. PAUL SIZEMORE
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D. MICHAEL ANDREWS
MELISSA A. PRICKETT
JOHN E. TOMLINSON
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NAVAN WARD, JR.
WESLEY CHADWICK COOK
WILLIAM H. ROBERTSON, V

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ALSO ADMITTED IN ARIZONA
ALSO ADMITTED IN ARKANSAS
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ALSO ADMITTED IN TENNESSEE
ALSO ADMITTED IN TEXAS
ALSO ADMITTED IN WASHINGTON, D.C.
ALSO ADMITTED IN WEST VIRGINIA

JAMES W. TRAEGER
1953-1987
RONALD AUSTIN CANTY
1963-2004

November 10, 2005

Gregory A. Brockwell
Carr, Allison, Pugh, Howard, Oliver & Sisson, P.C.
100 Vestavia Parkway, Suite 200
Birmingham, Alabama 35216

RE: Haze Roby for Ronald Roby, deceased v. Benton Express, Inc.

Dear Gregory:

Ms. Stirling has advised that she can be available December 13 & 15 2005,
Please let me know immediately which date is convenient for you.

Sincerely,

BEASLEY, ALLEN, CROW,
METHVIN, PORTIS & MILES, P.C.

Labarron N. Boone
LABARRON N. BOONE

LNB/ceh

Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.

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October 17, 2005

LARRY A. GOISTON, JR.
D. MICHAEL ANDREWS
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JOHN E. TOMLINSON
KIMBERLY R. WARD
NAVAN WARD, JR.
WESLEY CHADWICK COOK
WILLIAM H. ROBERTSON, V

OF COUNSEL:
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JAMES W. TRAEGER
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RONALD AUSTIN CANTY
1963-2004

VIA FACSIMILE TRANSMISSION

Gregory A. Brockwell
*Carr, Allison, Pugh, Howard,
Oliver, & Sisson, P.C.*
100 Vestavia Parkway, Suite 200
Birmingham, Alabama 35216


Re: *Hazel Roby v. Benton Express, Inc.*

Dear Greg:

I am in receipt of your letter of October 14, 2005. Roland Brown is not available at all during the month of November. He is available December 5, 6, 15, and 16. Please advise immediately which of these dates is convenient for you.

Sincerely,

BEASLEY, ALLEN, CROW, METHVIN,
PORTIS & MILES, P.C.



LABARRON N. BOONE

LNB/dmj

Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.

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November 3, 2005

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VIA FACSIMILE TRANSMISSION

Gregory A. Brockwell
Brett A. Ross
*Carr, Allison, Pugh, Howard,
Oliver, & Sisson, P.C.*
100 Vestavia Parkway, Suite 200
Birmingham, Alabama 35216

Re: *Hazel Roby v. Benton Express, Inc.*

Gentlemen:

Ms. Stirling has advised that she can be available the afternoon of December 6, 2005, if you wish to take her deposition immediately following the deposition of Roland Brown. Please let me know if this is convenient for you or if you wish for me to obtain additional dates for Ms. Stirling's deposition.

Sincerely,

BEASLEY, ALLEN, CROW, METHVIN,
PORTIS & MILES, P.C.



LABARRON N. BOONE

LNB/djr

Dora Johnson

From: Gregory Brockwell [GAB@carrallison.com]
Sent: Monday, December 05, 2005 9:09 AM
To: LaBarron Boone
Cc: Cathy Hall; Dora Johnson; Brett Ross
Subject: RE: Roby v. Benton Express

You should be getting notices of deposition today.

>>> "LaBarron Boone" <labarron.boone@beasleyallen.com> 12/05/05 09:01AM
>>> >>>

Please make sure you forward me the names of the 2 witnesses you are trying to depose on 12/13.

-----Original Message-----

From: Gregory Brockwell [mailto:GAB@carrallison.com]
Sent: Friday, December 02, 2005 4:50 PM
To: LaBarron Boone
Cc: Brett Ross
Subject: RE: Roby v. Benton Express

OK on Mrs. Stephens' deposition. We will plan to do that in Pensacola on 12/8. I assume that you will be sending a notice out. As for our expert, I assume you are talking about Bob Tynes. I will have to check with him to see if he is available on the 14th or 15th. To summarize, the following is my understanding of the upcoming depositions:

1. 12/6 Roland Brown
2. 12/7 Atlanta PD
3. 12/8 Stephanie Stephens
4. 12/13 M.P. Stirling (9:00 am)
 Eyewitness 1 (2:00 p.m.) (I am working to finalize)
 Eyewitness 2 (4:00 p.m.) (ditto)
5. Cathy will provide me dates for Florida HP
6. We will provide you dates for Tynes

Please let me know if I am missing something. Although we are certainly making good progress, it looks like it will be impossible to get everything done before the cutoff of 12/16. We are still agreeable to extending the cutoff, so please let us know what you want to do about that. Thanks.

>>> "LaBarron Boone" <labarron.boone@beasleyallen.com> 12/02/05 04:18PM
>>> >>>

Ok on depo. I will have cathy email you dates for FL PD. The 8th maybe good but cathy knows my schedule better than I. Please lets confirm your expert depo for the 14th, 15th.

-----Original Message-----

From: Gregory Brockwell [mailto:GAB@carrallison.com]
Sent: Friday, December 02, 2005 2:31 PM
To: LaBarron Boone
Cc: Brett Ross
Subject: RE: Roby v. Benton Express

As a compromise, we will agree for Mrs. Stephens' deposition to go forward on 12/8 on the condition that you ask the workers' comp questions in a separate section (like at the very end) and that the transcript will remain confidential and under seal until the Court rules on our motion. Please let us know if you will agree to this condition.

As for the Florida HP officers, their depositions will need to take place at their headquarters in Tallahassee. This is about 200 miles from Mrs. Stephens' deposition in Pensacola, so I don't see how we could do them all in one day. Please let me know what days you are available for a separate trip to Tallahassee. Thanks.

>>> "LaBarron Boone" <labarron.boone@beasleyallen.com> 12/02/05 08:05AM

>>> >>>

I will be asking those questions, but deadline is approaching and if courts rules in your favor then it will be inadmissible. Not harm by going forward. If we can agree on 8th lets do any other florida depo then.

-----Original Message-----

From: Gregory Brockwell [mailto:GAB@carrallison.com]

Sent: Friday, December 02, 2005 7:23 AM

To: LaBarron Boone

Cc: Brett Ross

Subject: RE: Roby v. Benton Express

LaBarron,

As stated in an earlier message, we believe that we should wait until the Court rules on our Motion for Protective Order before deposing Mrs. Stephens. We expect that you will be asking her at least some (and probably a lot) of questions regarding her workers' compensation claim. If you can assure us that you will not be asking her any workers' compensation questions, then Dec. 8 will be fine for her deposition. Otherwise, we need to wait for the Court's ruling.

Following up on the message below, we need to know when you are available to go to Tallahassee. Please let us know as quickly as possible so that we can get the Florida HP depositions set up.

Thanks,

Gregory A. Brockwell

Carr Allison

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Mississippi - Gulfport

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>>> "LaBarron Boone" <labarron.boone@beasleyallen.com> 12/01/05 03:40PM

>>> >>>

I want to depose ms stephens on Dec 8 @ 9am. Only day she has as of now. Let me know if that is fine.

-----Original Message-----

From: Gregory Brockwell [mailto:GAB@carrallison.com]

Sent: Thursday, December 01, 2005 3:18 PM

To: LaBarron Boone

Cc: Brett Ross

Subject: Roby v. Benton Express

LaBarron,

Please let me know if you are available for depositions of two Florida Highway Patrol officers in Tallahassee on December 9, 14, 15, 21, or 22. The depositions would start at about 1:00 p.m., so it should be a fairly easy trip to make in one day.

Thanks,

Gregory A. Brockwell

Carr Allison

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Dora Johnson

From: Gregory Brockwell [GAB@carrallison.com]
Sent: Wednesday, November 30, 2005 2:30 PM
To: LaBarron Boone
Cc: Dora Johnson; Brett Ross
Subject: RE:

We will agree to an extension of the discovery cutoff. What new cutoff date do you propose?

We are attempting to schedule the depositions of two FHP officers regarding the BOLO report. They are available in Tallahassee on the afternoons of 12/12 and 12/14. Will either of those dates work for you?

As for the deposition of Mrs. Stephens, I believe you will need to work through her counsel to set up her deposition. I would suggest that you contact her counsel and get several possible dates and then you and I can pick from those dates. I would like to wait until the Court rules on our motion for protective order prior to taking her deposition as that ruling would dictate whether or not you could ask Mrs. Stephens questions about her workers' compensation claim.

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>>> "LaBarron Boone" <labarron.boone@beasleyallen.com> 11/30/05 12:52PM

>>> >>>

Yes, I have no problem with depo in my office. However, please let me know so I can book room. Most times conference rooms are available. The 13th is a good date for a bunch of depositions after ms. stirring depo. since it will be short. Please give me dates you all available since I atleast want to depose Mr. Stephens wife.

I think we will need to get an extension like we did on other issues like disclosure cut off. If we do not, I need to dispose your experts on the 16th.

-----Original Message-----

From: Gregory Brockwell [mailto:GAB@carrallison.com]
Sent: Wednesday, November 30, 2005 12:34 PM
To: LaBarron Boone
Cc: Brett Ross
Subject: Re:

Your office provided 12/5 as a good date for you yesterday, but, if it is not, I will check with Officer Stapler to see if 12/7 or 9 will work for him. As you know, our discovery cutoff is 12/16. We are trying to schedule several depositions prior to the cutoff. Please let me know every date that you are available. Also, please let me know if you will agree to use your conference room for any Montgomery depositions.

Thanks,

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>>> "LaBarron Boone" <labarron.boone@beasleyallen.com> 11/30/05 12:17PM

>>> >>>

I have conflict on that date (Dec 5) for stapler deposition and Mr. beasley is in trial in texas trying Vioxx case. I am meeting with my expert on that date and have other commitments. Can we do on 7th or 9th. I will have to object with the court if you will not agree to a mutually convenient time.

LABARRON N. BOONE
Shareholder
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Website: www.beasleyallen.com
"Helping Those Who Need It Most For Over Twenty-Five Years"

Dora Johnson

From: LaBarron Boone
Sent: Monday, December 05, 2005 5:32 PM
To: Dora Johnson
Subject: FW: Roby

put in correspondence file.

-----Original Message-----

From: Gregory Brockwell [mailto:GAB@carrallison.com]
Sent: Monday, December 05, 2005 5:24 PM
To: LaBarron Boone
Cc: Brett Ross
Subject: Roby

LaBarron:

I received your "drop" notices of the depositions of Bob Tynes and Steve Stephens. Please note that Mr. Tynes is not available on December 14, and we have never agreed to that date. You never even mentioned taking his deposition until late last week. Mr. Tynes will not appear for deposition on December 14. We also have never agreed to December 15 for Mr. Stephens. I do not know whether Mr. Stephens is available on December 15, but I will find out. I have requested that Mr. Tynes provide me with potential deposition dates, and I will pass those along to you when I receive them.

We have tried to provide you with as much notice as possible and to work with you as much as possible when scheduling depositions. Respectfully, we would request the same courtesy from you.

Since you are apparently available for depositions on December 14 and 15, why have you not agreed to go to Tallahassee on those dates? I still have not been able to reach an agreement with you or your staff for those. I requested the Tallahassee depositions long before you ever mentioned deposing Mr. Tynes and Mr. Stephens, and I believe that we should go to Tallahassee on one of those dates since you are available.

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Dora Johnson

From: LaBarron Boone
Sent: Monday, December 05, 2005 5:32 PM
To: 'Gregory Brockwell'
Cc: Dora Johnson
Subject: RE: Roby

I noticed by I will work with you all but deadline is the 16th and I have asked to depose your experts. I assume you all are going to work with me. If not, I will have to file appropriate motion. Just let me know if you all are going to make your expert available before the deadline which you are well aware of.

-----Original Message-----

From: Gregory Brockwell [mailto:GAB@carrallison.com]
Sent: Monday, December 05, 2005 5:24 PM
To: LaBarron Boone
Cc: Brett Ross
Subject: Roby

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Dora Johnson

From: LaBarron Boone
Sent: Monday, December 05, 2005 9:01 AM
To: 'Gregory Brockwell'
Cc: 'Brett Ross'; Dora Johnson; Cathy Hall
Subject: RE: Roby v. Benton Express

Please make sure you forward me the names of the 2 witnesses you are trying to depose on 12/13.

-----Original Message-----

From: Gregory Brockwell [mailto:GAB@carrallison.com]
Sent: Friday, December 02, 2005 4:50 PM
To: LaBarron Boone
Cc: Brett Ross
Subject: RE: Roby v. Benton Express

OK on Mrs. Stephens' deposition. We will plan to do that in Pensacola on 12/8. I assume that you will be sending a notice out. As for our expert, I assume you are talking about Bob Tynes. I will have to check with him to see if he is available on the 14th or 15th. To summarize, the following is my understanding of the upcoming depositions:

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2. 12/7 Atlanta PD
3. 12/8 Stephanie Stephens
4. 12/13 M.P. Stirling (9:00 am)
 Eyewitness 1 (2:00 p.m.) (I am working to finalize)
 Eyewitness 2 (4:00 p.m.) (ditto)
5. Cathy will provide me dates for Florida HP
6. We will provide you dates for Tynes

Please let me know if I am missing something. Although we are certainly making good progress, it looks like it will be impossible to get everything done before the cutoff of 12/16. We are still agreeable to extending the cutoff, so please let us know what you want to do about that. Thanks.

>>> "LaBarron Boone" <labarron.boone@beasleyallen.com> 12/02/05 04:18PM

>>> >>>

Ok on depo. I will have cathy email you dates for FL PD. The 8th maybe good but cathy knows my schedule better than I. Please lets confirm your expert depo for the 14th, 15th.

-----Original Message-----

From: Gregory Brockwell [mailto:GAB@carrallison.com]
Sent: Friday, December 02, 2005 2:31 PM
To: LaBarron Boone
Cc: Brett Ross
Subject: RE: Roby v. Benton Express

As a compromise, we will agree for Mrs. Stephens' deposition to go forward on 12/8 on the condition that you ask the workers' comp questions in a separate section (like at the very end) and that the transcript will remain confidential and under seal until the Court rules on our motion. Please let us know if you will agree to this condition.

As for the Florida HP officers, their depositions will need to take place at their headquarters in Tallahassee. This is about 200 miles from Mrs. Stephens' deposition in Pensacola, so I don't see how we could do them all in one day. Please let me know what days you are available for a separate trip to Tallahassee. Thanks.

>>> "LaBarron Boone" <labarron.boone@beasleyallen.com> 12/02/05 08:05AM

>>> >>>

I will be asking those questions, but deadline is approaching and if courts rules in your

favor then it will be inadmissible. Not harm by going forward. If we can agree on 8th lets do any other florida depo then.

-----Original Message-----

From: Gregory Brockwell [mailto:GAB@carrallison.com]
Sent: Friday, December 02, 2005 7:23 AM
To: LaBarron Boone
Cc: Brett Ross
Subject: RE: Roby v. Benton Express

LaBarron,

As stated in an earlier message, we believe that we should wait until the Court rules on our Motion for Protective Order before deposing Mrs. Stephens. We expect that you will be asking her at least some (and probably a lot) of questions regarding her workers' compensation claim. If you can assure us that you will not be asking her any workers' compensation questions, then Dec. 8 will be fine for her deposition. Otherwise, we need to wait for the Court's ruling.

Following up on the message below, we need to know when you are available to go to Tallahassee. Please let us know as quickly as possible so that we can get the Florida HP depositions set up.

Thanks,

Gregory A. Brockwell
Carr Allison
100 Vestavia Parkway
Birmingham, Alabama 35216
(205) 949-2916 Direct Dial
(205) 822-4058 Facsimile
Alabama - Birmingham, Dothan
Florence, Jasper & Mobile
Mississippi - Gulfport
www.carrallison.com

>>> "LaBarron Boone" <labarron.boone@beasleyallen.com> 12/01/05 03:40PM

>>> >>>

I want to depose ms stephens on Dec 8 @ 9am. Only day she has as of now. Let me know if that is fine.

-----Original Message-----

From: Gregory Brockwell [mailto:GAB@carrallison.com]
Sent: Thursday, December 01, 2005 3:18 PM
To: LaBarron Boone
Cc: Brett Ross
Subject: Roby v. Benton Express

LaBarron,

Please let me know if you are available for depositions of two Florida Highway Patrol officers in Tallahassee on December 9, 14, 15, 21, or 22. The depositions would start at about 1:00 p.m., so it should be a fairly easy trip to make in one day.

Thanks,

Gregory A. Brockwell
Carr Allison
100 Vestavia Parkway
Birmingham, Alabama 35216
(205) 949-2916 Direct Dial
(205) 822-4058 Facsimile
Alabama - Birmingham, Dothan
Florence, Jasper & Mobile
Mississippi - Gulfport

**Exhibit B to Plaintiff's Motion to Strike/Quash and
Motion to Compel Depositions of Experts or, in the
Alternative, Extend the Discovery Cutoff for
Defendant's Expert Testimony Only**

Affidavit of LaBarron N. Boone

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

HAZEL M. ROBY, as Administratrix of §
the Estate of RONALD TYRONE §
ROBY, Deceased, §

Plaintiff, §

v. §

BENTON EXPRESS, INC., et al., §

Defendants. §

CIVIL ACTION NO.
2:05cv494-B

AFFIDAVIT OF LABARRON N. BOONE IN SUPPORT OF
PLAINTIFF'S MOTION TO QUASH/STRIKE AND/OR
PLAINTIFF'S MOTION TO COMPEL DEPOSITIONS OF EXPERTS

STATE OF ALABAMA

COUNTY OF MONTGOMERY

PERSONALLY APPEARED before me, the undersigned Notary Public in and
for said County and State, the within named LaBarron N. Boone, who, after first being
duly sworn, stated as follows:

1. My name is LaBarron N. Boone and I am a resident citizen of
Montgomery County, Alabama.
2. I represent the Plaintiff, Hazel Roby, in the above-styled matter before this
Court.
3. I have spoken with counsel for Defendant Benton Express, Inc. on several
occasions in an attempt to schedule the depositions of Defendant's experts. I have been

advised by counsel for Defendant that their experts will not be made available before the discovery cutoff of December 16, 2005.

Further, affiant sayeth not.


LABARRON N. BOONE

SWORN TO and SUBSCRIBED before me on this the 14th day of December 2005.


NOTARY PUBLIC

My Commission Expires: 11-01-06

**Exhibit C to Plaintiff's Motion to Strike/Quash and
Motion to Compel Depositions of Experts or, in the
Alternative, Extend the Discovery Cutoff for
Defendant's Expert Testimony Only**

**Plaintiff's Notice of Depositions of
Defendant's Experts**

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

HAZEL ROBY, as Administratrix of the
Estate of RONALD TYRONE ROBY,
Deceased,

Plaintiff,

v.

BENTON EXPRESS, INC., et al.,

Defendants.

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CIVIL ACTION NO. 2:05CV494-B

NOTICE OF VIDEOTAPED DEPOSITION

Please take notice that at 9:00 a.m. on December 14, 2005, at the law offices of Carr, Allison, Pugh, Howard, Oliver, & Sisson, 100 Vestavia Parkway, Suite 200, Birmingham, Alabama 35216, the Plaintiff in the above styled matter will take the videotaped deposition of Bob Tynes. Said deposition will be taken before an Officer of the Court authorized to administer oaths and shall be recorded by videographic and stenographic means. Said deposition will continue from day to day until complete. You are invited to attend and cross-examine the witness.

The deponent is requested to bring with him and be prepared to testify concerning the following:


1. Your entire file related in any way to your anticipated testimony and expert opinions given with regard to this case.
2. Any and all documents, notes, correspondence, writings, videotapes, photographs, drawings, memos, or other tangible things upon which you relied upon to formulate your expert opinions in this case.
3. A list of all cases in which you have testified, either by deposition or at trial or both.
4. Your current CV; fee schedule, all bills, total hours work on this case to

date, and documents showing the date retained in this matter

5. A list of any and all publication, articles, books or published writings of any kind which you have authored or co-authored.

6. Any and all writings, e-mails, correspondence, or documents of any kind provided to you by counsel for defendants in this case.

7. A list of all monies paid to you or your company for work performed in connection with this case along with a total of all monies received or paid to you or to any business or entity you are affiliated with by this Defendant.


LABARRON N. BOONE
Attorney for the Plaintiff

OF COUNSEL:

**BEASLEY, ALLEN, CROW, METHVIN,
PORTIS & MILES, P.C.**
218 Commerce Street
Post Office Box 4160
Montgomery, Alabama 36103-4160
(334) 269-2343 (Telephone)
(334) 954-7555 (Facsimile)

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon all counsel of record listed below by placing a copy in the United States Mail, first class postage prepaid and properly addressed to them, on this the 9th day of December 2005.


OF COUNSEL

Brett A. Ross
Gergory A. Brockwell
CARR, ALLISON, PUGH, HOWARD,
OLIVER, & SISSON, P.C.
100 Vestavia Parkway, Suite 200
Birmingham, Alabama 35216

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

HAZEL ROBY, as Administratrix of the §
Estate of RONALD TYRONE ROBY, §
Deceased, §

Plaintiff, §

v. § **CIVIL ACTION NO. 2:05CV494-B**

BENTON EXPRESS, INC., et al., §

Defendants. §

NOTICE OF VIDEOTAPED DEPOSITION

Please take notice that at 9:00 a.m. on December 15, 2005, at the law offices of Carr, Allison, Pugh, Howard, Oliver, & Sisson, 100 Vestavia Parkway, Suite 200, Birmingham, Alabama 35216, the Plaintiff in the above styled matter will take the videotaped deposition of Steven A. Stevens. Said deposition will be taken before an Officer of the Court authorized to administer oaths and shall be recorded by videographic and stenographic means. Said deposition will continue from day to day until complete. You are invited to attend and cross-examine the witness.

The deponent is requested to bring with him and be prepared to testify concerning the following:

1. Your entire file related in any way to your anticipated testimony and expert opinions given with regard to this case.
2. Any and all documents, notes, correspondence, writings, videotapes, photographs, drawings, memos, or other tangible things upon which you relied upon to formulate your expert opinions in this case
3. A list of all cases in which you have testified, either by deposition or at trial or both.
4. Your current CV; fee schedule, all bills, total hours work on this case to

date, and documents showing the date retained in this matter.

5. A list of any and all publication, articles, books or published writings of any kind which you have authored or co-authored.

6. Any and all writings, e-mails, correspondence, or documents of any kind provided to you by counsel for defendants in this case.

7. A list of all monies paid to you or your company for work performed in connection with this case along with a total of all monies received or paid to you or to any business or entity you are affiliated with by this Defendant.



LABARRON N. BOONE
Attorney for the Plaintiff

OF COUNSEL:

**BEASLEY, ALLEN, CROW, METHVIN,
PORTIS & MILES, P.C.**

218 Commerce Street
Post Office Box 4160
Montgomery, Alabama 36103-4160
(334) 269-2343 (Telephone)
(334) 954-7555 (Facsimile)

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon all counsel of record listed below by placing a copy in the United States Mail, first class postage prepaid and properly addressed to them, on this the 3rd day of December 2005.


OF COUNSEL

Brett A. Ross
Gergory A. Brockwell
CARR, ALLISON, PUGH, HOWARD,
OLIVER, & SISSON, P.C.
100 Vestavia Parkway, Suite 200
Birmingham, Alabama 35216